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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,849	03/23/2001	Nobuyuki Tanaka	14447	5767
23389	7590	10/14/2005	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC			PYZOWA, MICHAEL J	
400 GARDEN CITY PLAZA			ART UNIT	
SUITE 300			PAPER NUMBER	
GARDEN CITY, NY 11530			2137	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/815,849	TANAKA, NOBUYUKI
	Examiner	Art Unit
	Michael Pyzocha	2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 August 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 4 and 6-8 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 4 and 6-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

1. Claims 4 and 6-8 are pending.
2. Amendment filed 08/11/2005 with a request for continued examination has been received and considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 4, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donescu et al (US 6674873) and further in view of Jenson et al (US 6421445).

As per claims 4 and 7, Donescu et al discloses an electronic watermark detection apparatus comprising: insertion information memorizing means for preliminarily memorizing insertion information for designating a type of electronic watermark data to be inserted block by block in one frame divided into a plurality of blocks (see column 13 lines 25-46, figure 5, and column 5 line 66 through column 6 line 6); data

extracting means, supplied with an electronic watermark inserted composite image divided into a plurality of blocks in which individual electronic watermark data are inserted block by block, for extracting on the basis of said insertion information the electronic watermark data in said electronic watermark inserted composite image by adding the blocks in which the same electronic watermark data are inserted to produce extracted data (see column 13 line 62 through column 14 line 9); electronic watermark data memorizing means for preliminarily memorizing a plurality of electronic watermark data inserted in the respective blocks (see column 13 line 62 through column 14 line 2); electronic water data detecting means for calculating a statistical similarity between said extracted data and the respective electronic watermark data stored in said electronic watermark data memorizing means (see column 14 lines 3-9); determining whether or not said determining means for electronic watermark data is detected by comparing the value with a predetermined threshold value (see column 14 lines 7-9).

Donescu et al fails to disclose accumulating said statistical similarity for a predetermined time interval to produce an accumulated addition value.

However, Jenson et al teaches such accumulation (see column 29 lines 38-50)

At the time of the invention it would have been obvious to a person of ordinary skill in the art to accumulate Donescu et al's statistical similarity over a time interval.

Motivation to do so would have been to average out noise (see Jenson et al column 29 lines 38-50).

As per claims 6 and 8, the modified Donescu et al and Jenson et al system discloses an electronic watermark detection apparatus electronic watermark comprising: insertion information memorizing means for preliminarily memorizing insertion information for designating a type of electronic watermark data to be inserted block by block in one frame divided into a plurality of blocks (see Donescu et al column 13 lines 25-46, figure 5, and column 5 line 66 through column 6 line 6); supplied with a Huffman coded composite image obtained by Huffman coding an electronic watermark inserted composite image divided into a plurality of blocks in which individual electronic watermark data are inserted block by block, for decoding said Huffman coded composite image block by block to produce a decoded composite image (see Donescu et al column 13 line 62 through column 14 line 9 and column 6 lines 59-64); data extracting means for extracting on the basis of said insertion information, the electronic Watermark data in said decoded composite image by adding the blocks in which the same

electronic watermark data are inserted to produce extracted data (see Donescu et al column 13 line 62 through column 14 line 9); memorizing means for preliminarily memorizing a plurality of electronic watermark date inserted in the respective blocks; electronic water data detecting means for calculating a statistical similarity between said extracted data and the respective electronic watermark data stored in said electronic watermark data memorizing means (see Donescu et al column 14 lines 3-9); electronic watermark data accumulating means for accumulating said statistical similarity for a predetermined time interval to produce an accumulated addition value (see Jenson et al column 29 lines 38-50); and determining means for determining whether or not said is detected by comparing said with a predetermined threshold electronic watermark data accumulated addition value (see Donescu et al see column 14 lines 7-9).

Response to Arguments

5. Applicant's arguments with respect to claims 4 and 6-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

E. Moise
EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER

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